

## RULEMAKING NOTICE FORM

Notice Number \_\_\_\_\_

Rule Number Env-Wm 1600

1. Agency Name & Address:

Department of Environmental Services  
Waste Management Division  
29 Hazen Drive, P.O. Box 95  
Concord, NH 03302-0095

2. RSA Authority: **RSA 146-A:11-c and  
RSA 146-C:9**

3. Federal Authority: **N/A**

4. Type of Action:

Adoption **X**

Amendment \_\_\_\_\_

Repeal \_\_\_\_\_

Readoption \_\_\_\_\_

Readoption w/amendment \_\_\_\_\_

5. Short Title: **Standards for Reporting and Remediation of Oil Discharges**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rule Env-Ws 412, Reporting and Remediation of Oil Discharges, specifies requirements and procedures for the notification, reporting, investigation, remediation, and management of sites where discharges of oil have occurred. In order to clarify and streamline compliance with these requirements, the proposed rule, Env-Wm 1600, Standards for Reporting and Remediation of Oil Discharges, includes major organizational modifications to the existing rule in order to make them more readable. Env-Ws 412 will be repealed concurrent with the adoption of the proposed rule.

The proposed rule lists cleanup standards for soil including updated standards based on the most recent public health information. The proposed rule clarifies the procedures for reporting of oil discharges including criteria for abatement measures. The proposed rule will provide criteria for when the Department of Environmental Services (DES) may issue Certificates of Completion or Certificates of No Further Action upon achieving site cleanup goals. Language has been added to the proposed rule to clarify what information must be submitted to DES for initial site characterizations, site investigations, and remedial action plans. Additionally the rule clarifies which documents professional engineers and geologists are required to prepare.

6. (b) Brief description of the groups affected:

The rules affect responsible parties for sites where oil discharges have occurred. The rule imposes requirements for notifying, investigating, remediating, and managing contamination as specified in RSA 146-A:4 and 5.

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6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

SEE ATTACHED CROSS REFERENCE TABLE

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Robin Mongeon	Title:	Project Manager, Oil Remediation and Compliance Bureau
Address:	Department of Environmental Services Waste Management Division 29 Hazen Drive, P.O. Box 95 Concord, NH 03302-0095	Phone #:	271-7378
		Fax#:	271-2181
		E-mail:	rmongeon@des.state.nh.us
			TTY/TDD Access: Relay NH 1- 800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: July 28, 2004 at 4:00 p.m.

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: Tuesday July 13, 2004 at 1:00 p.m. to 3:00 p.m.

Place: Room 111  
Department of Environmental Services Waste Management Division  
29 Hazen Drive  
Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 04:080 , dated May 4, 2004

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule updates and clarifies existing rules and criteria and is expected to reduce costs associated with certain activities. Thus, the proposed rule does not violate Part I, Article 28-a of the New Hampshire Constitution because it does not impose new costs or assign any new programs or responsibilities to political subdivisions of the state.

**APPENDIX  
CROSS REFERENCE TABLE**

Provision of the Proposed Rule	Specific Statute the Rule is intended to implement
Env-Wm 1601.01 – 1601.03	RSA 146-A:4
Env-Wm 1602.01 – 1602.02	RSA 146-A:4,II
Env-Wm 1603.01 - 1603.03	RSA 146-A:5
Env-Wm 1603.04 – 1603.05	RSA 146-A:11-c,IV
Env-Wm 1603.06	RSA 146-A:5
Env-Wm 1603.07	RSA 146-A:11-c,IV
Env-Wm 1604.01 - 1604.07	RSA 146-A:4; RSA 146-A:11-c,V-a
Env-Wm 1604.08	RSA 146-C:1,V; RSA 146-A:11-c,V-a
Env-Wm 1605.01 – 1605.18	RSA 146-A:4,II; RSA 146-A:11-c,V; RSA 146-A:11-c,V-a
Env-Wm 1606.01 - 1606.03	RSA 146-A:4,II
Env-Wm 1607.01 – 1607.02	RSA 146-A:4,II
Env-Wm 1608.01 – 1608.07	RSA 146-A:4,II; RSA 146-A:11-c,V; RSA 146-A:11-c,V-a
Env-Wm 1609.01 – 1609.02	RSA 146-A:5